

29. The DNA according to claim 28, wherein the DNA has a base sequence of SEQ  
ID NO:1.

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### REMARKS

In the Office Action dated November 23, 2001, claims 17-21 are pending in the present application, claims 1-16 are directed to a non-elected invention and claims 17-21 stand rejected. Claims 1-16 were subject to a Restriction Requirement in a telephonic interview with the Examiner on November 9, 2001. New claims 22 to 29 have been added. No new matter has been added by virtue of the new claims because they are supported in the specification. New claim 22 is based on original claims 1 and 17 with support therefor found, e.g., on pages 4, lines 23 to 24 and at page 5 lines 1 to 9. New claim 26 is based on original claim 1, 3, 4, and 17 with support therefor found, e.g., on page 20, lines 6 to 13.

Applicants respectfully request reconsideration of the application in light of the above amendments and the following discussion.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached pages are captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE."

Claims 17-21 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on any other multiple dependent claim. Claims 17-21 are also objected to as reciting dependency on a non-elected invention. New claims 22-29 have been added to claim the invention to correct the multiple claim dependency in the claims and to eliminate recitation of dependency on a non-elected invention .

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In view of the above discussion and amendment, it is respectfully submitted that the present application is in condition for allowance. Therefore, an early reconsideration and allowance are respectfully requested.

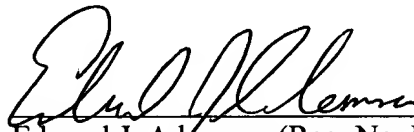
Should the Examiner wish to discuss any of the amendments and/or remarks made herein, the undersigned attorney would appreciate the opportunity to do so.

Respectfully submitted,

Date:

February 25, 2002

By:



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend the above reference application as follows:

IN THE CLAIMS:

Please add the following new claims:

22. A nucleic acid having a modified base sequence which can be used for transforming a useful plant; wherein the region of a factor relating to the poly (A) addition of the mRNA of the useful plant to be transformed contained in the base sequence of the gene of the other species is modified into another base sequence not relating to the poly (A) addition of the mRNA without substantially altering the function of the protein encoded by the gene to be introduced.

23. The nucleic acid according to claim 22, wherein the nucleic acid is DNA.

24. The DNA according to claim 23, wherein the gene is DNA encoding ferric-chelate reductase FRE1.

25. The DNA according to claim 24, wherein the DNA has a base sequence of SEQ ID NO:1.

26. A nucleic acid having a modified base sequence for transforming a useful plant, wherein the gene of another species:

does not contain a sequence with continued 8 bases or more consisting of only G or T;  
and,

does not contain any of base sequences represented by a sequence NATAAA, ANTAAA, AANAAA, AATNAA, AATANA, or AATAAN in the downstream of GT-rich sequence in the base sequence of the gene of the other species,

wherein, when introduced into a useful plant, the gene does not substantially alter the function of the protein encoded by the gene to be introduced.

27. The nucleic acid according to claim 26, wherein the nucleic acid is DNA.

28. The DNA according to claim 27, wherein the gene is DNA encoding ferric-chelate reductase FRE1.

29. The DNA according to claim 28, wherein the DNA has a base sequence of SEQ ID NO:1.